

OFFICE OF THE GENERAL COUNSEL
Division of Operations-Management

MEMORANDUM OM 10-32

January 22, 2010

TO: All Regional Directors, Officers-in-Charge
and Resident Officers

FROM: Richard A. Siegel,
Associate General Counsel

SUBJECT: Trial Advocacy Conference
February 28, 2010 (arrival only) through March 5, 2010

We have finalized arrangements for a Trial Advocacy conference to be conducted at the Westin Horton Plaza Hotel, 910 Broadway Circle, San Diego, California from 8:30 a.m. on Monday, March 1 through 12:30 p.m. on Friday, March 5, 2010. It is expected that participants will travel to the conference on Sunday, February 28. This memorandum describes the conference, the conference materials and preparation, travel to the conference, lodging, conference dress, and telephone use. Attached are a list of the non-supervisory attorneys and instructors who have been designated to attend the conference and the hotel reservation form that must be completed by each participant.

CONFERENCE DESCRIPTION: The Trial Advocacy program utilizes small, instructor-intensive group workshops to develop and refine trial skills including pretrial preparation, subpoena issues, witness preparation, direct and cross-examination, use of documentary evidence, rebuttal testimony, and application of the Federal Rules of Evidence. Each student attorney will be videoed several times during the week while examining a witness in a hypothetical case. After each examination, the instructors in the workshop will provide the student immediate feedback. The attorney and another instructor will then review the video recording in another room and discuss the examination in more depth.

CONFERENCE MATERIALS AND PREPARATION: We will be sending conference materials, including the hypothetical case to be used in the Trial Advocacy program, to the participants very soon. Consistent with the Agency's move to electronic case files and NxGen, these materials will be provided to the participants in electronic form. Participants should save the materials on their Agency laptops and bring the laptop to the conference with them. Prior to the conference, participants should review the materials to prepare for the training program. The preparation will include drafting a subpoena duces tecum. More specific instructions will be forwarded with the hypothetical case. **Please ensure that participants are allowed sufficient time (approximately 2 to 3 days) for their preparation.**

TRAVEL TO CONFERENCE: Conference participants should make their own transportation arrangements for arrival in time for the opening of the conference at 8:30 a.m. on Monday, March 1, 2010. **Participants will travel to the conference on Sunday, February 28, 2010 and return on Friday, March 5, 2010, unless otherwise authorized by the Division of Operations-Management.** Employees who travel on Sunday, February 28, 2010 will receive travel compensation time. The conference will conclude no later than 12:30 p.m. on Friday, March 5, 2010.

Normally, when a traveler goes on temporary duty, the traveler is required to use the Contract City-Pair Program that offers YCA, Government Contract fare (fully refundable) or a __CA fare that is a capacity-controlled airline fare (for example MCA, QCA, or VCA, with rates that are lower than the normal YCA and may be available at the time of booking). All of these options are acceptable under the Contract City-Pair Program. This mandatory regulation is governed by Federal Travel Regulation, 41 CFR Part 301-10, FTR Amendment 2006-04. Because the contract city-pare fares have sky-rocketed over the years, we encourage Agency travelers to Agency conferences to take advantage of the exception that is noted in FTR 301-10.107(c) - *A non-contract carrier offers a lower fare to the general public that, if used, will result in a lower trip cost to the Government.*

Accordingly, the two options for purchasing airline tickets are:

1. Purchasing a ticket on an YCA or a __CA fare (capacity controlled fare/fully refundable) by contacting Carlson Wagonlit reservation center at 1-800-787-6051. When purchasing a ticket through Carlson Wagonlit, the ticket will be automatically charged to the Agency Central Bill Account (CBA account).
2. Purchasing a ticket from a commercial carrier at a lower fare (normally a non-refundable fare) than the YCA or __CA fares, by the traveler paying for the ticket with the government travel card. If the traveler does not have a government credit card, a personal credit card may be used. The cost of the ticket and any fees associated with the booking will be reimbursed to the traveler provided it does not exceed the government contract fare (YCA or __CA). The traveler will be reimbursed after the conference by submitting a travel voucher. The receipt for the airline ticket purchase must show the form of payment on it (e.g., VISA XXXXXXXXX9988). In this case, the person setting up the travel authorization should:
 1. Use the non-contract rate **only** if the rate is less that the contract rate offered by Carlson Wagonlit.
 2. Note in the comment field that the use of a non-contract carrier is authorized for this specific conference.

Purchasing a ticket on a commercial carrier to travel to the conference may result in a cost advantage to the Agency in comparison to the cost of purchasing a ticket on a contract carrier. The commercial carrier's lower ticket price will probably require advance purchase of a non-refundable ticket. Carriers usually assess an additional fee if these tickets are canceled or if the flight is rescheduled. While there is little risk that the conference would be canceled, there is the possibility that someone will not be able to make it to the conference for a legitimate reason.

In using commercial carrier lower cost flights, the traveler needs to be reasonably sure that, once the reservation is made, there will be no need to change the reservation. If there is a rare personal or family emergency that prevents the traveler from attending the conference, the traveler who purchased a ticket from a common carrier must:

1. Notify the conference coordinator (DAGC Charles Posner).
2. Cancel the airline reservation.
3. Submit the travel voucher with the receipt of the airline ticket and cancellation fee with a letter stating the reason for not attending the conference. The letter should be scanned into the travel voucher.
4. Give the non-refundable e-ticket along with the cancellation/confirmation number to the Office Manager to keep for future travel requirements if the need arises later for the individual traveler. These tickets are usually good for up to a year. If not used, the overall savings for the collective use of the non-contract rates for the conference will justify the cost of the unused ticket.

Transportation from the San Diego airport is available via taxi or shuttle service. Participants are encouraged to utilize available transportation at the lowest cost to the Government. A taxi will cost about \$12 (excluding tip).

CONFERENCE LODGING: A general travel order covering all those attending the program has been issued by Division of Operations-Management. We will be sending all participants and their office managers their travel order number by e-mail. The Agency will pay for lodging for five nights (February 28-March 4) by means of a purchase order. The hotel has advised that, based on availability, participants in the conference will be able to get the government rate (\$147 per night) 2 days before and after the conference dates. Participants extending their stay will be responsible for payment directly to the hotel for expenses relating to arrivals before Sunday, February 28, 2010 and departures after Friday, March 5, 2010, unless the extended stay is authorized by the Division of Operations-Management.

All arrangements for hotel accommodations will be made by the Division of Operations-Management. **Please do not contact the hotel directly to make reservations.** Each participant must complete and return the attached reservation form to DAGC Charles Posner (with a copy to Secretary to the Deputy Associate General Counsel Crystal Roberts) by e-mail or by fax to (202) 273-4274. **Please return the reservation form as soon as possible but in no event later than COB, Monday, February 8, 2010.**

The per diem rates for meals and incidental expense in San Diego are \$71 per day on full days and \$53 on the partial/travel days. To avoid having to decrease M&IE rates of participants as required by GSA Travel Regulations, we will not be providing breakfast to conference participants. Please share this information about the per diem rates with the individuals in your office who will prepare your travel voucher so the correct amounts are entered in E2 Solutions and the vouchers can be processed without delay. Each office will be responsible for **submitting travel vouchers for all conference participants in their office through E2 Solutions to your AGC or Deputy by COB, Monday, March 22, 2010.**

CONFERENCE DRESS: Casual dress will be appropriate throughout the conference. We suggest that participants bring a light sweater or jacket as sometimes the meeting rooms are chilly.

TELEPHONE: To make phone calls from the hotel at the minimum cost, conference participants must use Agency calling cards. All participants should bring their calling cards with them to the conference so that the Agency may avoid expensive hotel charges for long distance calls.

QUESTIONS: If you have any questions concerning this memorandum, the training program, or if an emergency arises that would prevent any participant from a timely arrival or attendance at the conference, please contact Charles Posner (202-273-2887), Dottie Wilson (202-273-3781) or Peter Ohr (202-273-2891) or at their respective e-mail addresses.

/s/
R.A.S.

Attachments

cc: NLRBU

MEMORANDUM OM 10-

2010 TRIAL ADVOCACY INSTITUTE PARTICIPANTS

Student Participants		Region/Office	Student Participants		Region/Office
1.	Wilson Castellanos	1	38.	Lisa Dunn	19 (Portland)
2.	Daniel Fein	1	39.	Helena Fiorianti	19 (Portland)
3.	Alejandra K. Hung	1	40.	Daniel Mueller	19 (Portland)
4.	Laura H. Pawle	1	41.	Jeff Beerman	20 (Honolulu)
5.	Colleen Breslin	2	42.	Trent Kakuda	20 (Honolulu)
6.	Nicole Buffalano	2	43.	Carmen Leon	20
7.	Rachel Preiser	2	44.	Sarah McBride	20
8.	Julie Rivchin	2	45.	Richard McPalmer	20
9.	Nikhil Shimpi	2	46.	Matt Peterson	20
10.	Jesse Feuerstein	3	47.	Noelle Powell	20
11.	Greg Beatty	5	48.	Cecily Vix	20
12.	Johnda Bentley	5	49.	Jason Wong	20
13.	Crystal Carey	5	50.	Daniel Adlong	21
14.	Daniel Heltzer	5 (Washington)	51.	Isael Hermosillo	21
15.	Mary Hermosillo	5	52.	Lindsay Parker	21
16.	Chad Horton	5	53.	Cecelia Valentine	21
17.	Synta Keeling	5	54.	Joshua Mendelsohn	22
18.	Brendan Keough	5	55.	Nancy Slahetka	22
19.	Sean Marshall	5	56.	Isis Ramos	24
20.	Shannon Rogers	5	57.	Ayesha Villegas-Estrada	24
21.	Shelly C. Skinner	5	58.	Louis Ferrara	27
22.	Katrina Woodcock	5	59.	Mary G. Davidson	28
23.	Melanie Bordelois	8	60.	Pablo A. Godoy	28 (Las Vegas)
24.	Kelly Freeman	8	61.	Michael Berger	29
25.	Jamie Ireland	9	62.	Annie Hsu	29
26.	Hyeyoung Bang-Thompson	13	63.	Christina Lee	30
27.	Elizabeth Cortez	13	64.	Renee Medved	30
28.	Neelam Kundra	13	65.	Rouffeda S. Ebrahim	31
29.	Mary Olivero	14 (Peoria)	66.	Truc T. Nguyen	31
30.	Caitlin E. Bergo	15	67.	John Rubin	31
31.	Karen Brooks	15	68.	Joanna Silverman	31
32.	Lindsay T. Lee	15	69.	Adam Cole	32
33.	Erica Berencsi	16	70.	Noah Garber	32
34.	David A. Foley	16	71.	Jennifer Kaufman	32
35.	Karla Mata	16	72.	Justin Skinner	32
36.	Kelly Pagan	16	73.	Yaromil Velez-Ralph	32
37.	Daniel Apoloni	19			

Instructor Participants	Region/Office
1. Rich Ahearn	19
2. William Baudler	32
3. Richard Bock	29
4. Scott Burson	1
5. Jill Coffman	20
6. Dave Cohen	12
7. Margaret Diaz	12
8. Rosalind Eddins	26
9. Arly Eggertsen	13
10. Dorothy Foley	22
11. Jim Fox	18
12. Brian Gee	31
13. Ron Hooks	26
14. Michael Israel	3
15. Leah Jaffe	2
16. Mike Karlson	28
17. Erik Karmol	7
18. Rhonda Ley	3
19. Garey Lindsay	9
20. Kathy McKinney	15
21. Cornele Overstreet	28
22. Luis Padilla	24
23. Amy Roemer	7
24. Laura Sacks	1
25. Paula Sawyer	5
26. Dick Simon	25
27. Scott Thompson	4
28. Mary Tobey	14
29. Steven Wamser	28
30. Timothy Watson	16
31. April Wexler	29
32. Lynette Zuch	14

HOTEL RESERVATION FORM

**TO: Charles Posner, DAGC, Operations-Management
Crystal Roberts, Secretary to the Deputy Associate General
Counsel, Operations-Management**

**FROM: _____ Region/City _____
(Name)**

**SUBJECT: NLRB Trial Advocacy Conference
February 28, 2010 – March 5, 2010
The Westin Horton Plaza Hotel
910 Broadway Circle, San Diego, California
(619) 239-4500**

Check-In Date	Check-Out Date

Room Preference:

Single/Double	
Other	

NOTES/SPECIAL ACCOMMODATIONS?

Please complete and email this form to Charles Posner and Crystal Roberts by COB, Monday, February 8, 2010. Alternatively, you may fax the form to (202) 273-4274.

Please do not contact the hotel directly.